

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

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JANE DOE,

Petitioner,

v.

MACQUARIE INVESTMENT  
MANAGEMENT BUSINESS TRUST,

Respondent.

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No. 4:19-cv-04112

**RESPONDENT’S OPPOSED MOTION TO EXPEDITE CONSIDERATION OF ITS  
PENDING MOTION (i) TO DISMISS THE PETITION TO COMPEL ARBITRATION  
FOR FAILURE TO STATE A CLAIM, (ii) TO STRIKE CERTAIN ALLEGATIONS OF  
THE PETITION, AND (iii) FOR SANCTIONS**

Respondent, Macquarie Investment Management Advisers (“Macquarie”) (incorrectly identified as Macquarie Investment Management Business Trust in the caption), respectfully moves for expedited consideration of its pending Motion (i) to dismiss the petition to compel arbitration for failure to state a claim, (ii) to strike certain allegations of the petition, and (iii) for sanctions (the “Motion to Dismiss”) (ECF No. 8).

Petitioner and Macquarie are currently in the midst of an AAA arbitration that has been stayed for 30 days (until November 22, 2019) because of this federal action. (A copy of the stay order is attached as Exhibit 1.) It is in all parties’ interest to have this matter expedited and allow the parties to return to their pending arbitration.<sup>1</sup>

Petitioner’s opposition to the Motion to Dismiss is currently due November 14, 2019, and any reply would be due on November 21, 2019. Pursuant to Local Rule of Civil Procedure 7.8, this Court has broad discretion to shorten the motion schedule and expedite the review of this

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<sup>1</sup> Petitioner filed her Statement of Claim with the AAA in early January 2019; this arbitration proceeding will soon reach the one-year mark.

matter. Macquarie requests that the Court do so. Macquarie's counsel has conferred with Petitioner's counsel and Petitioner opposes the relief sought in this motion.

/s/ Linda C. Schoonmaker

Linda C. Schoonmaker

Texas Bar No. 17806300

[lschoonmaker@seyfarth.com](mailto:lschoonmaker@seyfarth.com)

Brian A. Wadsworth

Texas Bar No. 24075231

[bawadsworth@seyfarth.com](mailto:bawadsworth@seyfarth.com)

SEYFARTH SHAW, LLP

700 Milam Street, Suite 1400

Houston, Texas 77002

Telephone: (713) 225-2300

Facsimile: (713) 225-2340

OF COUNSEL:

Ellen Rosen Rogoff, Esq. (admitted pro hac vice)

Jeffrey A. Lutsky, Esq. (admitted pro hac vice)

Stradley Ronon Stevens & Young, LLP

2005 Market Street, Suite 2600

Philadelphia, PA 19107-7018

Telephone: (215)56-8000

Facsimile: (215) 564-8120

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served on all counsel of record, as listed below, via the court's electronic filing system, on October 30, 2019:

Charles A. Sturm, Esq.  
723 Main Street, Suite 330  
Houston, TX 77002  
[cstrum@sturmlegal.com](mailto:cstrum@sturmlegal.com)

*Attorney for Petitioner*

/s/ Linda C. Schoonmaker

Linda C. Schoonmaker

### **CERTIFICATE OF CONFERENCE**

I hereby certify that Macquarie's counsel conferred with Petitioner's counsel about the relief sought in this motion and Petitioner opposes the relief sought in this motion.

/s/ Linda C. Schoonmaker

Linda C. Schoonmaker